

Remarks

Reconsideration of this application as amended is respectfully requested.

Claims 35-56 stand rejected under 35 U.S.C. §112, first paragraph.

Claims 35-56 stand rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,219,708 B1 of *Martenson* ("*Martenson*").

Claims 35-56 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Martenson* and U.S. Patent No. 5,917,405 of *Joao* ("*Joao*").

The Examiner has stated that the title is not descriptive. In response, applicant has provided a replacement title.

The Examiner has stated that all related applications must be mentioned after the Title and before the Background of the Invention. In response, applicant has amended the specification to refer to the related applications.

The Examiner has stated that hyperlinks must be removed from the specification. In response, applicant has amended the specification to remove hyperlinks.

The Examiner has stated that each of the claimed features must be shown in the figures and specifically referred to the fact that there is no "video player" in the figures. In response, applicant has amended claims 35-56 to recite a device wherein the device is a video player, a video player/recorder, a television, a thermostat, a refrigerator, a washing machine, a disk drive, an oscilloscope, and a spectrum analyzer. Applicant submits that a device that is a video player, a video player/recorder, a television, a thermostat, a refrigerator, a washing machine, a disk drive, an oscilloscope, or a spectrum analyzer is shown in the figures as the device 10 as stated in the specification on pages 10-12.

The Examiner has objected to the specification under 35

U.S.C. §112, first paragraph, as failing to provide an enabling disclosure and/or written description. The Examiner has rejected claims 35-56 under 35 U.S.C. §112, first paragraph, for the same reasons.

Although it is well settled that an analysis the adequacy of a written description calls for a comparison of the language of the claims to the specification, Wang Labs v. Toshiba Corp., 26 USPQ2d, 1767, 1774 (Fed. Cir. 1993), the Examiner has not cited any language in claims 35-56 other than "washer [sic] machine" and "video player" and "fax machine" in objecting to Applicant's specification and rejecting claims 35-56 under 35 U.S.C. §112, first paragraph. Instead, the Examiner has stated that

There is a lack of disclosure and/or written description allowing the devices to interface with the network so they can be monitored and controlled by a remote user via an network.

(Page 2, paragraph 8, Office Action, 4/23/04).

Applicant respectfully submits that claims 35-56 are not directed to allowing devices to interface with a network so they can be monitored and controlled via the network as implied by the Examiner. Instead, claims 35-45 are directed to a method for providing a web page to a user of a device including "embedding a web server" in the device and "connecting the web server to a computer network" and "communicating to the web server with a web browser." Applicant submits that the method of claims 35-45 is described in numerous portions of the specification. For example, "embedding a web server" as claimed in claims 35-45 is shown in Figures 1a-1b and described on pages 8-9, 11, and 13 of the specification and "connecting the web server to a computer network" as claimed in claims 35-45 is shown in Figures 1a-ab and described on pages 8, 10, and 11 of the specification. In addition, "communicating to the web server with a web browser" as claimed in claims 35-45 is shown in Figures 2, 4 and 5 and described on pages 15-18 of the specification.

Applicant further submits that claims 46-56 are not

directed to allowing devices to interface with a network so they can be monitored and controlled via the network as implied by the Examiner. Instead, claims 46-56 are directed to a method for obtaining information from a device including "assigning a Universal Resource Locator" to the device and "embedding a web server" in the device and "sending an HTTP command" to the embedded web server and "providing the information from the web server...in a web page..." Applicant submits that the method of claims 46-56 is described in numerous portions of the specification. For example, "assigning a Universal Resource Locator" to the device as claimed in claims 46-56 is described on pages 8 of the specification and "embedding a web server" in the device as claimed in claims 46-56 is shown in Figures 1a-1b and described on pages 8-9, 11, and 13 of the specification. In addition, "sending an HTTP command" to the embedded web server as claimed in claims 46-56 is described on pages 16-17 of the specification and "providing the information from the web server...in a web page" is described on pages 8-9 and 16-17 of the specification.

The Examiner has stated that

The washer [sic] machine of page 12 is not controlled in the same manner as is the video player of page 12 in that a washer machine does not have a "rewind" function nor does a video player have a "delicate" setting.  
(Page 2, paragraph 8, Office Action, 4/23/04) (emphasis original).

It is respectfully submitted that claims 35-56 do not recite controlling "rewind" and "delicate" settings as implied by the Examiner. As shown above, claims 35-45 recite a method for providing a web page to a user of a device and claims 46-56 recite a method for obtaining information from a device and both methods are described in numerous portions of the specification as shown above. In regard to device-specific functions, e.g. functions for a fax machine, a video player, etc., Applicant respectfully directs the Examiner's attention to the monitor 16 shown in Figure 1a and the accompanying text

on pages 8-9 of the specification as well as the device-specific hardware 300 shown in Figure 1b and the accompanying text on pages 11-12 of the specification.

The Examiner has posed the following question:

Where is the source code and hardware allowing one to control the video player and/or washing machine by a user on a Browser via the network?

(Page 2, paragraph 8, Office Action, 4/23/04). Applicant respectfully submits that claims 35-56 do not recite source code or hardware for allowing control of a device via a network. Instead, claims 35-45 recite a method for providing a web page to a user of a device and claims 46-56 recite a method for obtaining information from a device. Applicant's specification sets forth numerous alternative implementations of embedding a web server and communicating with an embedded web server as claimed in claims 35-56 including existing processor and memory resources (pages 11-13 of Applicant's specification), and single or multiple integrated circuit chips as well as state machines (page 13 of Applicant's specification).

The Examiner has stated that

The missing gap, or "black box", is a unit internal or external to the specific device that interfaces the specific device to the network by way of hardware and software.

(Pages 2-3, paragraph 8, Office Action, 4/23/04) (emphasis original). Applicant respectfully submits that claims 35-56 are not directed to a unit that interfaces a device to a network as implied by the Examiner. Instead, claims 35-45 recite a method for providing a web page to a user of a device and claims 46-56 recite a method for obtaining information from a device. Moreover, applicant has cited above numerous portions of the specification that enable one of skill in the art to practice the methods of claims 35-56.

It is therefore respectfully submitted that Applicant's specification provides a written description that enables a person skilled in the art (See 35 U.S.C. §112, first paragraph) to practice a method for providing a web page to a

user of a device as claimed in claims 35-45 and practice a method for obtaining information from a device as claimed in claims 46-56.

The Examiner has rejected claims 35-56 under the judicially created doctrine of obviousness-type double patenting in view of claims 1-26 of U.S. Patent No. 5,956,487 and claims 1-32 of U.S. Patent 6,170,007. In response, applicant submits herewith terminal disclaimers for U.S. Patent Nos. 5,956,487 and 6,170,007.

The Examiner has provisionally rejected claims 35-56 under the judicially created doctrine of obviousness-type double patenting in view of the following co-pending Patent Applications: Ser. No. 09/862,230, Ser. No. 09/862,622, Ser. No. 09/862,804, Ser. No. 09/863,300, Ser. No. 09/863,368, Ser. No. 09/863,667, Ser. No. 09/865,347, Ser. No. 09/865,944, and Ser. No. 09/865,977. In response, applicant submits herewith terminal disclaimers for Patent Applications: Ser. No. 09/862,230, Ser. No. 09/862,622, Ser. No. 09/862,804, Ser. No. 09/863,300, Ser. No. 09/863,368, Ser. No. 09/863,667, Ser. No. 09/865,347, Ser. No. 09/865,944, and Ser. No. 09/865,977.

The Examiner has rejected claims 35-56 under 35 U.S.C. §102(e) as being un-patentable over *Martenson*. Applicant respectfully submits that amended claim 35 is not anticipated by *Martenson*. Amended claim 35 is a method for providing a web page for a user interface to a user of a device. *Martenson* does not disclose a method for providing a web page for a user interface to a user of a device as claimed in amended claim 35. Instead, *Martenson* teaches network resource management using a web browser. (*Martenson*, col. 1, lines 63-64). It is submitted that an individual that manages a communication network using a web browser as taught by *Martenson* is not a user of a device as claimed in amended claim 35.

In further contrast, amended claim 35 includes embedding a web server in a device and obtaining a web page for a user interface of the device by communicating to the web server

with a web browser. *Martenson* does not disclose using a web browser to obtain a web page for a user interface of a device from a web server embedded in the device as claimed in amended claim 35. Instead, *Martenson* discloses using a web browser to perform a management function call in a network resource. (*Martenson*, col. 8, lines 43-48). For example, *Martenson* discloses a web server in a network resource that receives a hyperlink reference from a browser (*Martenson*, col. 8, line 46) and that parses the hyperlink reference into a management function call in the network resource (*Martenson*, col. 8, lines 47-48) using a table (*Martenson*, col. 8, lines 55-58).

Amended claims 36-45 include limitations similar to the limitations of amended claim 35 including obtaining a web page for a user interface of a device from a web server embedded in the device. Therefore, the remarks stated above with respect to amended claim 35 also apply to amended claims 36-45. It is therefore submitted that amended claims 36-45 are not anticipated by *Martenson*.

It is also submitted that amended claims 46-56 are not anticipated by *Martenson*. Amended claims 46-56 recite a method for obtaining information from a device by embedding a web server into the device such that the web server generates a web page with the information. *Martenson* does not disclose a method for obtaining information from a device by embedding a web server into the device such that the web server generates a web page as claimed in amended claims 46-56. Instead, *Martenson* discloses a network resource with a web server that performs network management function calls. (*Martenson*, col. 8, lines 43-48).

The Examiner has rejected claims 35-56 under 35 U.S.C. §103(a) as being un-patentable over *Martenson* and *Joao*. Applicant submits that claims 35-56 are not obvious in view of *Martenson* and *Joao* because *Martenson* and *Joao* do not disclose or suggest using a web browser to obtain a web page for a user interface of a device from a web server embedded in the device


as claimed in amended claims 35-45 or obtaining information from a device by embedding a web server into the device such that the web server generates a web page with the information as claimed in claims 46-56. Applicant has shown above that *Martenson* does not disclose a method as claimed in amended claims 35-45 or a method as claimed in claims 46-56. *Joao* discloses a CPU that communicates with a variety of home based and vehicle mounted devices (*Joao*, col. 12, lines 5-65, col. 4, lines 12-62) rather than using a web browser to obtain a web page for a user interface of a device from a web server embedded in the device as claimed in amended claims 35-45 or obtaining information from a device by embedding a web server into the device such that the web server generates a web page with the information as claimed in claims 46-56.

It is respectfully submitted that in view of the amendments and arguments set forth above, the applicable rejections have been overcome.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 08-2025 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 8-23-04

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